

*Jennifer Louise Jenkins, Administrator ad Litem of the Estate of Sterling L. Higgins  
v. Obion County, Tennessee, et al.*

No. 20-cv-01056 STA-dkv

Exhibit 2  
Excerpts from the Deposition of Robert Orsborne

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

JENNIFER LOUISE JENKINS, )  
Administrator *ad Litem* of the )  
ESTATE OF STERLING L. HIGGINS, )  
Plaintiff, )  
v. ) CIVIL ACTION NO.  
OBION COUNTY SHERIFF'S ) 1:20-cv-01056-STA-dkv  
DEPARTMENT; OBION COUNTY, )  
TENNESSEE; UNION CITY POLICE )  
DEPARTMENT; UNION CITY, )  
TENNESSEE; ROBERT THOMAS )  
ORSBORNE, Individually; MARY )  
BROGLIN, Individually; WAYLON )  
SPAULDING, Individually; and )  
BRENDON SANFORD, Individually, )  
Defendants. )

**VIDEOTAPE DEPOSITION OF OFFICER ROBERT THOMAS ORSBORNE**

October 27, 2020

SCHAFFER REPORTING SERVICE  
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Jackson, Tennessee 38303  
(731) 668-6880



1 Mr. Higgins there say -- again asked, "Did y'all get  
2 them?"

3 And you said, "Yeah."

4 And he said, "I'm scared."

5 I guess you heard that. Right?

6 A Yes, I heard that.

7 Q And did he appear to be genuinely scared to you,  
8 Mr. Orsborne?

9 A Yes, sir.

10 Q He almost appeared childlike, didn't he?

11 A (The witness nodded.)

12 Almost.

13 Q Let's start it again at 1:55.

14 (The video was resumed and paused.)

15 Q (By Mr. Cooper) Okay. I've stopped it at 2:05.

16 And somebody has told him a couple of times to turn  
17 around. Was that you?

18 A Yes, sir.

19 Q All right. And Mr. Higgins complied with that;  
20 correct?

21 A Yes, sir. He had to be told several times, but he  
22 did comply.

23 Q Okay. He wasn't being combative in any way, was  
24 he?

25 A No, sir.

1 Q He wasn't throwing anything, wasn't grabbing any  
2 of those boxes in that cooler, was he?

3 A No, he was not.

4 (The video was resumed and paused.)

5 Q (By Mr. Cooper) Okay. I'm stopping it at two  
6 oh -- 2:11. It sounded like he said, "I want to go  
7 with you guys."

8 A To the best I can determine, that's kind of what  
9 it sounded like what he said.

10 Q Let's wind it back so we can make sure.

11 (The video was replayed and paused.)

12 Q (By Mr. Cooper) Did you hear him say, "I want to  
13 go with y'all"?

14 A Yeah. He said, "I want to go with y'all."

15 Q Let's start it again at two -- that's -- that's at  
16 2:12. I'm going to start again.

17 (The video was resumed and paused.)

18 Q (By Mr. Cooper) I've stopped it at 2:30 now,  
19 Mr. Orsborne. Did you hear him -- he's still talking  
20 about this debit card and his tablet? Did you hear  
21 that?

22 A Yes, sir.

23 Q And at this point where I've stopped it, at  
24 2:30 on the counter, he's handcuffed behind his back;  
25 correct?

1 A Correct.

2 Q Where he's talking about Keisha and wanting you to  
3 check her out; right?

4 A Correct.

5 Q Would you agree with me that this was a pretty  
6 bizarre behavior on Mr. Higgins' part up to this point,  
7 Mr. Orsborne?

8 A Yes, sir. He was acting bizarre.

9 Q Would you say he was paranoid?

10 A Yes, sir.

11 Q Would you say that he was somewhat delusional in  
12 some of his thoughts and ideas?

13 MR. HILL: Object to form.

14 A Yes, sir.

15 Q (By Mr. Cooper) It seemed that he had a  
16 particular -- or let me strike that.

17 It seemed that he was somewhat afraid of women  
18 from the interactions that we've now looked at on two  
19 different videos. Would you agree with me on that?

20 MR. HILL: Object to form.

21 A Yes, sir. Most of the time it was females that he  
22 was afraid of.

23 Q (By Mr. Cooper) And I don't want to go back  
24 through that whole laundry list that I asked you about  
25 signs and symptoms of excited delirium, but up to this

1 I told him, "Hey, Sterling, there's no one around.  
2 Just calm down. There's no one here." He insisted  
3 that someone was out to get us, and they're coming to  
4 get us. Again, there's no one around, don't see any  
5 other cars on the highway at that time.

6 We continue on to the jail. As we turn in the  
7 first gated area there at the jail, making my way to  
8 the sally port, he sees some parked cars. He claims,  
9 "There they are right there."

10 I said, "Sterling, do you know where you are?"

11 He said, "Yes. I'm at the Obion County Jail."

12 I told him, "The cars you're referring to are  
13 actually marked patrol cars for the sheriff's  
14 department."

15 We pull on into the sally port, and the gates shut  
16 behind us, and then I get him out.

17 Q Okay. And I want to stop you there because when  
18 we get into the sally port, I think we actually have a  
19 video of that. Is that correct, Mr. Orsborne?

20 A That is correct.

21 Q Okay. Now, you've testified that about halfway  
22 over on the ride from Pockets Market to the jail that  
23 Mr. Higgins was saying again that there were people  
24 trying to kill him and you both. Is that correct?

25 A That's what he was saying, yes, sir.

1 to this point as rather bizarre?

2 A Yes, sir.

3 Q Start it at 2:10.

4 (The video was resumed and paused.)

5 Q (By Mr. Cooper) All right. Now, I froze it there  
6 at 2:14 on the counter and 1:45:23 in the lower  
7 right-hand corner. Mr. Higgins is kind of up close to  
8 you at this point, Mr. Orsborne. Would you agree with  
9 me on that?

10 A That's correct.

11 Q Did you feel threatened in any way when he was  
12 standing there like that by you?

13 A No, sir.

14 Q Because it -- it was at this point or maybe some  
15 other point -- excuse me -- when he was close to you  
16 that that's when he was trying to protect you. Right?

17 A That is correct.

18 Q Start again at 2:14.

19 (The video was resumed and paused.)

20 Q (By Mr. Cooper) Now, I've stopped it there at  
21 2:19. So between 2:14 and 2:19 on the counter, it  
22 looked to me like, Mr. Orsborne, that you may have put  
23 your hands on him, but I wasn't sure about that. Did  
24 you see that?

25 A It looked like I tried to grab him to escort him

1 head, but we'll see that in just a minute, if you agree  
2 with me on that.

3 A That could be.

4 Q Okay. Did you know Ms. Broggin before March 25,  
5 2019?

6 A No, sir.

7 Q Never met her in your life; is that correct?

8 A Not that I'm aware of.

9 Q Okay. All right. Well, let's run the video for a  
10 little bit and let me ask a couple of questions. I'm  
11 going to start it at twenty -- at the 23 mark.

12 (The video was started and paused.)

13 Q (By Mr. Cooper) All right. Mr. Orsborne, I'm  
14 stopping it at the 29 mark, which the time is 1:46:20.  
15 And tell me what just happened.

16 A Sterling Higgins stated, "That's her," and went up  
17 toward her and tried to grab her, Ms. Broggin.

18 Q And when he -- when you're saying Sterling Higgins  
19 says, "That's her," did that appear consistent with his  
20 other statements about some sort of paranoid statements  
21 involving females?

22 A That's correct.

23 Q Do you know if Mr. Higgins had seen Ms. Broggin  
24 through the glass door before he walked in, and did he  
25 say anything about seeing her before he walked in?

1 A That is correct.

2 Q All right. By this point is Mr. Higgins and  
3 Mr. Spaulding down on the floor?

4 A Yes, sir.

5 Q Tell me how they got there.

6 A There was a interaction between Mr. Spaulding and  
7 Mr. Higgins. He was trying to gain control of him. I  
8 performed a knee strike to Mr. Higgins' right leg in an  
9 attempt to get him on the ground so he could be taken  
10 under control.

11 Q All right. So it's your testimony that somewhere  
12 in that last 10 to 15 seconds that you employed some  
13 sort a knee strike. Is that correct?

14 A That is correct.

15 Q And is that knee strike, is that a part of your  
16 training?

17 A Yes, sir, it is.

18 Q So at this point, at 1:46:36, what -- what, if  
19 anything, is Mr. Higgins saying?

20 A Best I remember, he was doing a lot of yelling  
21 and -- and screaming, no discernable words.

22 Q And do you know where Ms. Brogglin is at this  
23 point? Is she down on the ground with them, or is she  
24 somewhere else?

25 A I'm really not sure where she is at this point.

1 Q Right leg or left leg?

2 A Should be the right leg.

3 Q Was Mr. Higgins on his stomach, or was he lying on  
4 his back?

5 A Lying on his back.

6 Q And so you're telling me that you're stepping up  
7 on his right leg. Is that correct?

8 A Yes, sir.

9 Q And you're saying it's the point of his leg above  
10 his right knee. Is that correct?

11 A Yes, sir.

12 Q And were you standing on -- on his right leg above  
13 his right knee with -- with both your legs, in other  
14 words, your full body weight?

15 A Just enough to secure his legs to keep him from  
16 kicking. I don't know if it was my full body weight.

17 Q All right. And you told me this morning that you  
18 weighed back then 247 pounds, I believe. Is that  
19 right?

20 A Very close to that, yes, sir.

21 Q All right. And you're, of course, wearing  
22 patrolman's gear. You've got a -- a safety belt, and I  
23 assume you've got a bulletproof vest on. Correct?

24 A Yes, sir.

25 Q How much would that gear weigh, Mr. Orsborne.

1 A 15, 20 pounds.

2 Q All right. So you were placing well over  
3 250 pounds on Mr. Higgins' right leg at that time;  
4 correct?

5 A I really don't know how much weight. Just enough  
6 to secure him from kicking.

7 Q Well, I mean, you're -- you're balancing -- would  
8 you agree with me you're sort of balancing yourself  
9 with your left hand, and you're standing on  
10 Mr. Higgins' right leg? Correct?

11 A Yes, sir.

12 Q I mean, you're not holding yourself up with  
13 anything, are you?

14 A Just the support of the wall.

15 Q And would you agree with me that the support of  
16 the wall is really more for balance? Would you agree  
17 with me on that?

18 A It's for balance. Yes, sir, it's for balance.

19 Q Now, what police training taught you to do that,  
20 Mr. Orsborne? And when I'm saying "that," I'm talking  
21 about standing on a suspect that's been shackled.

22 A I don't know there's any specific training that  
23 says -- it's based on trying to gain control when you  
24 use the necessary force to gain control of the support.

25 Q And tell me again why you were standing on his

1 jawline.

2 Q Does it appear to you that they're on his neck in  
3 any way, Mr. Orsborne?

4 A No, sir.

5 Q Let's start it again.

6 (The video was resumed and paused.)

7 Q (By Mr. Cooper) I've stopped it at 5:06. You're  
8 still leaning up against the wall, still have your body  
9 weight on Mr. Higgins. Is that -- is that correct?

10 A Yes, sir, on his legs.

11 Q Did you ever step on his left leg?

12 A I may have during the process of him squirming  
13 around. He was still trying to grab Officer Spaulding  
14 even though he was handcuffed. He was trying to get  
15 his hands around to grab Officer Spaulding.

16 Q Did you ever step on his right leg and his left  
17 leg at the same time?

18 A Could have, yes, sir, during that trying to gain  
19 control of him while he was still being combative.

20 Q And is this always in the thigh area, or is it  
21 some other area of the body?

22 A Yes. On the -- the quadricep muscle area of his  
23 legs just above his knee.

24 Q Keep running it at 5:06.

25 (The video was resumed and paused.)

1 Q (By Mr. Cooper) Mr. Orsborne, I'm stopping it now  
2 at the 5:59 counting point, the counter, and it's  
3 1:52:28 a.m. It appears at this point that you may  
4 have stepped off of Mr. Higgins. Is that correct or  
5 incorrect?

6 A That's correct.

7 Q So it appears from the counter that you stepped up  
8 on him at about the 3:25 mark, and you stepped off of  
9 him about the 5:59 mark. Would you agree with me  
10 generally on that?

11 A Yes, sir, generally.

12 Q So from that, you would have stood on him, what,  
13 about 2 and a half minutes?

14 A Yes, sir.

15 Q Maybe 3? Is that right?

16 A That's correct.

17 Q Now, when you got down off of him, as we can see  
18 in this video that's stopped at the 5:59 mark, what  
19 is -- what, if anything, is Mr. Higgins doing?

20 A He's growling, making a lot of weird grunting  
21 noises. More like trying to -- the only expression I  
22 know is hock up a loogie, where he's trying to gather  
23 spit so he could spit.

24 Q Was he moving in any way?

25 A Yes, sir, he was still moving. He had -- he was

1 Q And could you tell at this point if he was  
2 breathing or not?

3 A (The witness shook his head.)  
4 I could not tell.

5 Q And I take it from the time that -- up to this  
6 point you couldn't tell whether he was breathing or  
7 not. Is that correct?

8 A That's correct. I didn't check.

9 Q I'm going to start it again.

10 (The video was resumed and paused.)

11 Q (By Mr. Cooper) Okay. I'm stopping it there at  
12 13:10. Did you see where Waylon Spaulding went over  
13 and sort of jiggled Mr. Higgins' head for a moment?

14 A Yes, sir.

15 Q Kind of touched it and moved it to the center, and  
16 his head -- Mr. Higgins' head just fell right back to  
17 the same place that it had been. Correct?

18 A Yes, sir.

19 Q And, again, the same question I've been asking up  
20 to this point: From the time that he'd gone into that  
21 restraint chair up to now at the 3 -- 2 a.m. mark,  
22 2 a.m. 54 seconds, you don't know whether Sterling  
23 Higgins was breathing or not, do you, Mr. Orsborne?

24 A No, sir.

25 Q Start it again.

1 (The video was resumed and paused.)

2 Q (By Mr. Cooper) All right. Now I'm stopping it

3 there at 13:46 on the counter, 2:01 a.m. 33 seconds.

4 Mr. Orsborne, it appears that you went over and did

5 something to Mr. Higgins. What did you do?

6 A A sternum rub.

7 Q All right. And what is the purpose of a sternum

8 rub?

9 A To try to get some kind of reaction.

10 Q And did you get a reaction from Sterling Higgins?

11 A No, sir. He was strapped in the chair, and he

12 couldn't move.

13 Q Okay. So if he's strapped in the chair and

14 couldn't move, why did you do a sternum rub?

15 A Just to try to check on him.

16 Q All right. And you checked on him. What was your

17 conclusion from that sternum rub and checking him?

18 A That there was no way for him to move the way he

19 was strapped down.

20 Q Did you try to talk to him, yell at him, or

21 anything, wake him up?

22 A No, sir, I didn't.

23 Q You know, there's such a thing as verbal commands,

24 isn't there?

25 A Yes, sir.

1 Q Did you try any of that?

2 A No, sir.

3 Q So up to this point you've got a nonresponsive  
4 detainee; correct?

5 A Correct.

6 Q Would that indicate that medical treatment needs  
7 to at least be considered?

8 A We was still unsure of his condition at that time.

9 Q My question was did it appear to you at this point  
10 that medical treatment should at least be considered?

11 A No, sir.

12 Q Now, let's start it again, 13:46.

13 (The video was resumed and paused.)

14 Q (By Mr. Cooper) All right. Now, I'm going to  
15 stop it at 13:54. Mr. Orsborne, you've done the  
16 sternum rub; you got no reaction because, you  
17 testified, he's strapped in. Right?

18 A Correct.

19 Q And at this point you still don't know if he's  
20 breathing; correct?

21 A Correct.

22 Q Did you check for a pulse?

23 A I did not.

24 Q Why not?

25 A Because the corrections officers did.

1 Q Because his eyes and his mouth would not be  
2 strapped down. I mean, they -- they could move if, you  
3 know, you applied the sternum rub; correct?

4 A I'm assuming that, yes, sir.

5 Q And the sternum rub, you're putting some pretty  
6 good force on Mr. Higgins' chest. I mean, you're not  
7 just sort of lightly rubbing his chest; you're putting  
8 some pressure on. Right?

9 A Your question bled out there at the end. The  
10 audio went out.

11 Q Sure. Be glad to try to repeat it. You're  
12 putting some pressure on Mr. Higgins' chest when you're  
13 doing the sternum rub; correct?

14 A Correct.

15 Q And that pressure is designed to gain a reaction  
16 from the individual to see if they're responsive;  
17 correct?

18 A Correct.

19 Q And one of the things that would be responsive  
20 with a sternum rub would be a person's eyes; correct?

21 A It could be, yes, sir.

22 Q And you didn't see any reaction with Mr. Higgins  
23 in his eyes; correct?

24 A No. I was looking more for his hands, feet, any  
25 kind of tensing up.

1 Q Okay. Well, let's go with fingers. You didn't  
2 see any reaction with his fingers in the sternum rub,  
3 did you?

4 A No, sir.

5 Q And I think I asked you about his mouth. But you  
6 didn't see him twitch his mouth or move his lips or  
7 anything like that on the sternum rub, did you?

8 A That's correct.

9 Q So when he was wheeled into cell number 15, at  
10 least from the objective test that you had given him,  
11 he was a nonresponsive individual. Correct?

12 A If he was -- he was not moving.

13 Q Does that mean the same thing as nonresponsive?

14 A I'm really not sure about that.

15 Q Okay. And I think you have -- you told me earlier  
16 that from the time they put him in the -- "they" being  
17 Brogglin and Sanford and Spaulding -- put him in that  
18 restraint chair until the time that he was wheeled into  
19 cell number 15, you don't know whether he was breathing  
20 or not, do you?

21 A I do not know.

22 Q All right. So we get to cell number 15. We've  
23 got the video pulled up.

24 MR. COOPER: And so that I don't forget  
25 about it, I'm going to ask that it be marked as the

1 )  
STATE OF TENNESSEE ) C E R T I F I C A T E  
2 )

3 I, Jill A. Schaffer, Registered  
4 Professional Reporter and Notary Public for the State  
5 of Tennessee, hereby certify that the witness in the  
6 foregoing deposition, **OFFICER ROBERT THOMAS ORSBORNE**,  
7 was first duly sworn by me, that the testimony of the  
8 witness was written stenographically by me, and that  
9 such deposition is a true and accurate record of the  
10 testimony given by said witness on the 27th day of  
11 October, 2020.

12 I further certify that I am neither  
13 related to nor employed by any of the parties to this  
14 cause of action or their counsel, nor am I financially  
15 interested in the outcome of this matter.

16 I further certify that in order for this  
17 document to be authentic it must bear my original  
18 signature and embossed notarial seal, that reproduction  
19 in whole or in part is not allowed or condoned, and  
20 that such reproductions are deemed a forgery.

21 Witness my hand and seal at my office on  
22 this the 14th day of November, 2020.

23  
24 My Commission Expires: Jill A. Schaffer, RPR, TN #375  
August 25, 2021 Notary Public at Large for the  
25 My License Expires: State of Tennessee  
June 30, 2022